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Docket No.: NEB-180

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Jack, et al.. EXAMINER: Frank Wei Min Lu

SERIAL NO.: 09/738,444 GROUP: 1655

FILED: December 15, 2000

FOR: Use of Site-Specific Nicking Endonucleases To
Create Single-Stranded Regions and Applications
Thereof

The Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

RESPONSE B

Sir:

In response to the Office Action mailed on July 11, 2002, please
amend the above-identified application as follows:

IN THE CLAIMS

Please cancel claims 22-29 and add claims 30-34 where claims
30-34 correspond to original claims 14-18 in Class I.

30. A nucleic acid molecule comprising of at least two
fragments joined by single-stranded termini produced by
the method of claim 3.

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- B1
31. A nucleic acid molecule which comprises three or more fragments joined by single-stranded termini produced by the method of claim 3.
 32. A nucleic acid molecule which comprises at least two fragments joined by single-stranded termini, in which at least one terminus is produced by the method of claim 3.
 33. A circular nucleic acid molecule produced by joining at least two fragments containing at least one terminus produced by the method of claim 3.
 34. A DNA vector produced by joining fragments containing at least one terminus produced by the method of claim 3.

A marked-up version of the claims showing the amendments made is attached. 37 C.F.R. §1.121(c)(1)(ii).

REMARKS

New claims 30-34 have been added. Claims 1-5 and 30-34 are now pending.

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Applicants elect class 1 and cancel claims 22-29 without prejudice. The new claims 30-34 are identical to claims 14-18 in Class I prior to Response A and should not be subject to further restriction.

The Examiner has cited Wang et al. as making the product by means of a different process in the product by process claims of claims 22-29. Applicants assert that this rejection is not valid for claims 30-34 in Class I for reasons provided in response A.

For the reasons set forth above, Applicants respectfully submit that this case is in condition for immediate allowance. Early and favorable considering leading to prompt issuance of this Application is earnestly solicited.

Respectfully submitted,

NEW ENGLAND BIOLABS, INC.

Date: 7/22/02



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